

**BROOKINGS COUNTY ZONING DIRECTOR**  
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MINUTES

Brookings County Planning and Zoning Commission  
May 4, 2004  
Brookings County Resource Center

Chairman Mike Kidwiler called the meeting to order at 6:30 P.M. Members present were Mike Kidwiler, Mike Olson, Emil Klavetter, Duane Knutson, Darrell Nelson, Layne Saathoff, Randy Jensen, Bob Rochel and Darrel Kleinjan.

Motion by Saathoff, seconded by Jensen, to approve the minutes from the meeting held on 04/06/04. In favor 9. Opposed 0. Motion carried.

Motion by Olson, seconded by Nelson, to adopt the agenda with the following additions: Information on White and Lake Hendricks. In favor 9. Opposed 0. Motion carried.

Action on a plat for Manuel and Wanda Ramlo have made an application to the Brookings County Planning Commission to rezone, from Agricultural District to Lake Park District, Lot 17 of Ramlo Shores Subdivision located in E ½ NW ¼ & Gov't Lots 3 and 4, Section 21, T112N, R47W (Lake Hendricks Township). Tom Reeves was present he explained to the board that they have been rezoning the lots one by one as they are sold. There was an adjoining land owner, but there were no complaints. Motion by Klavetter, seconded by Saathoff, to approve the rezoning request. In favor 9. Opposed 0. Motion carried.

Action on plat of Eberlein's Addition in the NE ¼ of Section 21, Township 110 North, Range 51 West of the P.M., Brookings County, South Dakota, Containing 5.21 Acres more or less (Volga Township). Keith Schlotman was present to speak on the plat he explained that the plat was a homestead at one time and that for financial purposes he needed to plat the land separate from the quarter. There were no comments or concerns from the board or the public. Motion by Nelson, seconded by Knutson, to accept the final plat. In favor 9. Opposed 0. Motion carried.

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The Chairman then declared the business of the Planning and Zoning Commission concluded and the board then convened as the Board of Adjustment.

Richard Christianson has made an application to the Brookings County Board of Adjustment for a variance on Lake Park Property. Density, Area, and Yard Regulations (Lake Front) Minimum Lakeside Yard: The minimum lakeside yard shall be 75 feet. The property is described as Lots 18 and 19 of Section 15, T112N, R47W (Lake Hendricks Township). Richard Christianson was present he stated that he was moving out an old mobile home and replacing it with a double wide mobile home. It will set in the same location and will not be any closer to the water. There were no comments from the board or neighbors. Motion by Olson to approve the request, seconded by Kleinjan. In favor 9. Opposed 0. Motion carried.

Earl Voeltz has made an application to the Brookings County Board of Adjustment for a variance on Lake Park Property. Density, Area, and Yard Regulations (Non-Lake Front) Minimum Rear Yard: The minimum rear yard shall be 50 feet. The property is described as Lot D Wacek Beach NW ¼ of Section 3, T112N, R52W (Laketon Township). Bob Hill spoke on behalf of Earl Voeltz. Bob Hill stated as in similar situations in the past up on Wacek Beach Mr. Voeltz would like to build a garage but does not have enough area to meet the setbacks. There was a question about an adjoining land owner selling, but nobody present was opposed. Motion by Klavetter to approve the request, seconded by Knutson. In favor 9. Opposed 0. Motion carried.

Barb Neises has made an application to the Brookings County Board of Adjustment for a variance on Lake Park Property. Density, Area, and Yard Regulations (Lake Front) Minimum Rear Yard: The minimum front yard shall be 25 feet. The property is described as Lot 52 Lake Poinsett Heights First Addition SW ¼ of Section 5, T112N, R52W (Laketon Township). Barb and her husband Steve were present. The Nesis' would like to add a two story addition to their cabin. They are currently 18' from the access road and with the new addition they would be 7' or 8'. There is a garage that would be torn down to put up the addition, the current garage is closer to the access road then the addition would be. There was one opposed neighbor that had called in to the zoning office. There were no concerns by the board. Motion by Nelson to approve the request, seconded by Rochel. In favor 9. Opposed 0. Motion carried.

Barb Neises has made an application to the Brookings County Board of Adjustment for a variance on Lake Park Property. Density, Area, and Yard Regulations (Non-Lake Front) Minimum Side Yard: The minimum side yard shall be 8 feet. The property is described as Lot 69 Lake Poinsett Heights First Addition SW ¼ of

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Section 5, T112N, R52W (Laketon Township). Barb and her husband Steve were present on this issue also. The Nesis' would like build a garage on Lot 69 which they own. There is currently nothing on the lot. They would like to have a 3½ stall garage for their personnel use. There will be three stalls, a workshop, and storage space. The reason for the variance is because of the storage space. The board questioned weather or not there will be a separate door for the storage. The Nesis' stated there would not be since it is for private use. An adjoining landowner Rick Brake stated that there is utilities set back up on the lake, which he found out about while building on his

land. This issue concerned the board and they stated that they would like the issue looked into. Motion by Klavetter to table the request, seconded by Olson. In favor 9. Opposed 0. Motion tabled.

Barb Neises has made an application to the Brookings County Board of Adjustment for a special exception on Lake Park Property. Special exception #7: The Board of Adjustment may permit other uses which are not detrimental to other uses and are in the general character of uses in Lake Park. The property is described as Lots 70-71 Lake Poinsett Heights First Addition SW ¼ of Section 5, T112N, R52W (Laketon Township). Barb and her husband Steve were present to speak on the issue at hand. The Nesis' would like to build six storage units on two lots that they own. The building would be 10' x 60' and have six units available. Elaine Hanson an adjoining land owner was present and stated that this land should be used for residential not commercial. Olson questioned whether or not the sewer and utilities would be an issue here as well. Knutson stated he felt that this kind of building would be better on Agricultural land not Lake Park. There were three calls in to the zoning office of adjoining land owners opposed. Another adjoining land owner Rick Brake stated that he thought that this might clean up the land and make it look nice, but he was concerned with the traffic. Other neighbors were concerned that other bare lots would follow lead. Rochel stated he was not in favor of this sort of building on Lake Park residential. Motion by Klavetter to approve the request, seconded by Nelson. In favor 0. Opposed 9. Motion denied.

Richard Halstead has made an application to the Brookings County Board of Adjustment for a special exception. Special exception #4: Sand, gravel or quarry operation, mineral exploration and extraction, on property described as SE ¼ Exc S 437' of E 443' of W 571' & Exc S 336' of E 181' of W 572' & Exc 100' of S 315' of Section 24, T109N, R50W (Medary Township). Richard Halstead was not present but the board was told that he would be coming shortly. Motion by Klavetter to table the request until later in the meeting, seconded by Saathoff. In favor 9. Opposed 0. Motion tabled.

Wim Hammink was called upon to speak on his CAFO special exception, but he asked the board for permission to speak to everyone first. The request was

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allowed. Wim talked about rumors that South Dakota gives immigrants money to relocate and start dairies and how that is false. Wimmink went on to say that they sellout their business where ever they come from to come here with there family. They come here and get financed from the local bank and buy from local dealers and local operations. He stated that the paper makes them out to look like dangerous and like criminals. He stated that they are doing a better job with manure spreading and that is half the price of fertilizer so it can cut costs. One cow makes enough manure to fertilize one to two acres. Hammink then spoke on road conditions. He agrees that they need more maintenance, but he thinks he pays a fair amount of taxes yet not enough go back to the township. He stated he would be willing to kick in more money to help take care of the roads. He talked about reasons that dairies are good for the community for example 1000 cow dairy has approximately: \$30,000 in water, \$30,000 in electricity,

\$180,000 in hay, what and corn (with as much bought locally as possible), \$100,000 in equipment, \$400,000 in payroll.

Secretary of Agriculture Larry Gabriel was present to speak on behalf of the dairies. He stated that there are a shrinking number of cows and that around this area in the I-29 corridor is the best for Dairies. He stated with the new Wells Blue Bunny in Iowa and a new cheese factory in Minnesota the market is here. He stated that South Dakota helps small dairies, but funding is limited. Gabriel was please to see all three applications for the Dairies and was in favor of them all.

Wim Hammink has made an application to the Brookings County Board of Adjustment for a special exception. Special exception #11: Class A, B, C and D Concentrated Animal Feeding Operations. The property is described as SW ¼ of Section 22, T112N, R50W (Eureka Township). Wim Hammink was present to speak he stated that the Dairy operation would be laid out for 1400 cows, but they would be starting with 400 cows. They would like to make sure they can make everything take off and make sure there is enough land for manure applications. Mike Olson questioned if there was enough land for the applications or if they doubled up on land with other dairies. Hammink said there is no doubling for manure spreading. Brian Freidrichsen an engineer for the Hamminks prepared and submitted a plan, was also present he stated that they had obtained more land for manure spreading since the printing of the plans. The board questioned weather or not the community would be overwhelmed by two dairies so close. A few members questioned weather there would be any fly or rodent problems. Hammink stated that he would like the dairies close so he could supervise them both and that with the sprays he has never had any sort of fly or rodent problems. Fredrichsen also stated that DENR regulates manure spreading and phosphorus applications. All new land for manure spreading must be approved by the sate DENR. Klavetter mentioned that the township was concerned by the road conditions and at the

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county commission Hammink stated his willingness to help. Hammink had done some checking and thought that crushed gravel would be better than screened gravel. Jensen stated that he was concerned with safety issues and extra traffic. There were no further comments from the board. Comments then came from the public. Donna Ramsey from Argo Township was present and spoke against all three dairies on the agenda. She went on to state that here we don't live as compact as foreigners and our quality of life issues very greatly. She spoke about our water and the dairies impact on the aquifer. She understands that they are failsafe systems but accidents do happen. She thought that the protections that the county has in place should be rechecked. Ramsey said that if our water is threatened then everybody is threatened. We value our clean air and environment and do not want anything to happen. Klavetter reassured the public that none of the dairies would be set on the aquifer. Freidrichsen also stated that on the soil borings test that the aquifer is not with in 50'. Jim Gilkerson of the Farm Bureau was present and read a letter in favor of the dairies from the president of the Farm Bureau Craig Weber. Norris Patrick of White, SD stood to say that the little dairies can't make it because they get more taxes on the barns where bigger dairies get a tax write off. Jim Pickard a neighbor to the Hamminks said there are no fly or rodent

issues and that Wim and Nicolien are good neighbors. He said that the traffic is not an issue but the weight is, and that for the money they spend in the community is great. Mitch Davis of the Lake Norden cheese plant was in favor of the dairies. He said they are always looking for more milk and they will pick up from any size dairy. He also stated that South Dakota's state DENR is stricter than the federal. Dave Halter, Eureka township president said he would like the item tabled until they can meet about the roads. Jake Voelkers from the SD Soybean Council then read a letter in favor of the dairies. Dan Little a veterinarian of Brookings also spoke in favor of the dairies. Merideth Redlend a rural socialist from Brookings voiced against the dairies, stating that the economic outcome will be no where near what they are projecting. Terrell Spence of Toronto said there is a very low unemployment rate right now, he questioned whether or not there would be more illegal people working. Hammink responded with the fact that he has about 14 employees working. They hire some SDSU students, but a fair amount of the employees are of Mexican origin. Paul Garver of Lake Hendricks Township spoke out against the dairies for fear that they would go bankrupt and move out of the area. Jerrid Johnson of the South Dakota Cattleman's Association stood to welcome all of the dairies to South Dakota. Klavetter stated he would like to see facts of findings showing some type of agreement with the township board on the roads situations. The clerk of Eureka Township said roughly it would cost \$3,000 to \$5,000 per mile to maintain. He also stated that the township receives \$169 back from what Wim currently pays in. Hammink said that snow removal is not an issue because they often clear it themselves for the milk truck. Earl Hammer said that he welcomes the dairies he said there is no longer a farmer on every quarter

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and a dairy is good. Klavetter amended the motion to include the facts of findings. First the dairy would need to meet with Eureka Township about roads and meet an agreement and bring it back to the board. They would also need to plant trees on the North and West sides of the dairy to make a filter. The amendment was seconded by Nelson. Olson questioned who monitors the wells. Friedrichsen said they are monitored by DENR. Kidwiler reassured that if the board passes the special exception they also have to be approved by the state before they can start. On the road conditions Bob Hill stated the board can't uphold the agreement between the two parties nor can they force one party to sue the other. Nelson said they should have a signed agreement between the two parties. Hammink said he is willing to work out an agreement, but he would not give them a blank check. Kidwiler called for a vote on the amended motion. In favor 7. Opposed 2. Amendment passed. Jensen and Saathoff voted against the amendment. Saathoff stated that he voted against the amendment because he felt that the township & Hammink could reach an agreement on there own. Motion by Klavetter to approve the request with the amendment, seconded by Nelson. Kidwiler asked for a roll call vote. In favor 7. Klavetter, Kleinjan, Knutson, Nelson, Rochel, Saathoff and Kidwiler. Opposed 2. Olson and Jensen. Motion carried. Klavetter feels it is good for economic development and it follows the comprehensive plan, Kleinjan stated good economic development, Knutson said all the rules are being followed, Nelson said it was a good fit, Rochel stated it fits the ordinance and the water is safe, Saathoff proclaimed confidence in DENR, Kidwiler stated it followed the comprehensive plan. Olson voted against the motion stating the two dairies would be

too close together and he did not feel the nutrient management plan was complete, Jensen also voted against the dairy for public concern and safety issues.

Sako vanderMeer has made an application to the Brookings County Board of Adjustment for a special exception. Special exception #11: Class A, B, C and D Concentrated Animal Feeding Operations. The property is described as SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  N  $\frac{1}{2}$  SW  $\frac{1}{4}$  N  $\frac{1}{2}$  SW  $\frac{1}{4}$  of Section 23, T112N, R49W (Argo Township). Wim Hammink spoke on behalf of Sako, who is currently living in Oregon with his wife and four daughters would like to move here to start a dairy operation with his family. They have checked on the electricity and water and they are good to go with those. Brian Fredrichsen is also the engineer for that put together the papers on the dairy stated that the plans are same as the previous dairy. The soil boring results are consistent and the operational layout is very similar. Wim stated that there are trees for blockage. Klavetter thought that would be appropriate for Sako to meet with the township board about contributing to the upkeep of the roads, when he could make it from Oregon. Wim voiced that they would put a temporary home, such as a trailer up for now to live in. There were no comments from the board at this time. Ed Schaffer of White was concerned about the layout and it being open to the east. Donna Ramsey was concerned about the dairy setting on a

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downhill slope and if there was a spill there would be run off into the Big Sioux. Brad Poss was concerned about the water table tests because of how low the water table is, his wells are dry too but what will happen if we get a few wet years. Paul Garver was concerned because recently there were spills in Iowa and Minnesota and did not want that to happen here. He said that human error will happen. He was also concerned that immigrants would work and then send money and more would come up illegally. He also had concern that there is not enough hay in Brookings County. Craig Chapman was concerned about the environment and spoke about concern with the upkeep of the roads. Ramsey questioned where the employees will live. Wim said that most of them will rent houses in town. Deloris Jorenby of Argo Township said that the driveways would cause a safety concern because of the slope of the road. Brian Schmidt of White was concerned with road conditions and possibilities of trucks not abiding by the weight limits. Norris Patrick felt that there was no need for the product in the county. Kidwiler stated that is not an issue of the zoning board. James Ellsby of England stated that when looking for somewhere to have the dairies the people fall in love with the community of Brookings. In Moody County may be easier to go through the board, but the community means a lot. Olson agreed that the water table is low. Motion by Nelson to approve the request, seconded by Klavetter. Jay Gilbertson and Brian Friedrichsen both in agreement said that the dairy will not be on the aquifer. Donna Ramsey argued that if it doesn't set on Zone A then it sets on Zone B. Gilbertson reassured her that it didn't. There were no further questions or comments. Kidwiler asked for a roll call vote. In favor 6. Klavetter, Kleinjan, Nelson, Rochel, Saathoff and Kidwiler. Opposed 3. Olson, Knutson and Jensen. Motion carried. Klavetter and Kleinjan agree that it is good economic development. Nelson voted for the dairy because he believes the engineers that research the land and development know what they are doing. Rochel was overall satisfied with DENR and the engineers report. Saathoff was confident with

the work of the professionals. Kidwiler trust the boring samples and the dairy met all the criteria of DENR. Olson, Knutson and Jensen all stated concern about the water situation at hand. Olson also said he was representing the neighbors and that there are too many dairies. Jensen also said he spoke for other county residents.

Melle Kloosterman has made an application to the Brookings County Board of Adjustment for a special exception. Special exception #11: Class A, B, C and D Concentrated Animal Feeding Operations. The property is described as NE ¼ of Section 21, T109N, R49W (Trenton Township). Darrell Nelson stated that he would abstain from voting for personnel reasons. Motion by Klavetter to table the agenda item until more information can be provided, seconded by Knutson. Rochel thought they needed comments from the public. Wim Hammink, who was also speaking on behalf of Kloosterman, stated that they did not want to spend \$25,000 until the received feedback. Royce Emerick presented a 16 page book to

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the commissioners and then proceeded to read the book word by word to everyone. Lloyd Beckman has lived out in the country for 25 years and he advised the board to listen to the farmers and not the town residents. Beth Pederson lives three miles from the purposed dairy site and commented that because Wim runs his dairy great, but we are suppose to believe that Kloosterman will do the same. She also questioned if there is an emergency spill and she has well water if the spill gets into the well and contaminates who is reliable. Jay Gilbertson said the dairy would be held responsible if they were at fault. The board questioned the manure and where it would be spread. Fredrichsen stated that the people they find sign an agreement for five years, but most continue on beyond that. Scott Kissler a neighbor was concerned about the drainage of manure, composting of dead animals and both human and livestock diseases. The board once again stated that they thought the issue should be tabled until more information was provided because they could not make a good decision on what they had. In favor 8. Opposed 0. Motion tabled.

Richard Halstead has made an application to the Brookings County Board of Adjustment for a special exception. Special exception #4: Sand, gravel or quarry operation, mineral exploration and extraction, on property described as SE ¼ Exc S 437' of E 443' of W 571' & Exc S 336' of E 181' of W 572' & Exc 100' of S 315' of Section 24, T109N, R50W (Medary Township). Halstead was present to speak on a gravel mining permit. He stated that the land had been mined before and he would like to mine it again. He stated there was no competition in the city of Brookings and that we are double the cost of Sioux Falls. Klavetter was concerned about health issues, noise and dust. Diane Johnson and Dennis Bedow adjoining landowners think that the mining is just an all around bad idea. Aaron Hamilton adjoining land owner was concerned for his daughter's asthma. He is also concerned for his son because he is a new young driver. Hamilton is also worried about well contamination. Diane Buehre another neighbor said it would be unsightly and is concerned about big trucks all the time and the noise. She also said that it would scare the wildlife, which would be a disappointment. Allen Fierychs agrees that there should be competition but not at this site. He was also concerned about dust. Junita Telkamp has lived there for 60 years

and is worried that one person can ruin the whole neighborhood. Terri Telkamp stated that the land was not mined after the 1970's. She was also concerned that there are eight neighbors effected and there is no buffering or screening. Telkamp questioned weather the dust would ever settle and who would upkeep the roads with the constant travel of big trucks. Halstead stated that they would water the roads to control the dust. Jerry Nissen another neighbor who has lived near for 20 years spoke against the permit. Doug Voelker supervisor of Medary Township was concerned about the use of the township roads, the dust control and the fact that it could turn to a dump which would make the neighborhood disappear. Chris

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Madsen Attorney for the Telkamps stated there were no studies or research present. Donna Ramsey stated that this would be economic development and the dairies took precedent, this is the same type of situation. Halstead stated that he has employed people for 36 years and he would like to continue to do so. Based upon information provided the special exception does not appear to be in harmony with the purpose and intent of the zoning ordinance and it is not compatible with the adjacent property uses. Motion by Nelson, seconded by Kleinjan, to approve the request. In favor 0. Opposed 9. Motion denied.

Douglas L O'Mara has made an application to the Brookings County Board of Adjustment for a variance on Agricultural Property. Area Regulations #1: Lot Size: All lots for purposes of residential use unless otherwise provided for in this ordinance, shall be a minimum of thirty-five acres. The property is described as E ½ S ½ NE ¼ of Section 11, T109N, R50W (Medary Township). Douglas O'Mara and Frank Denholm were present to speak on the variance. Denholm said that Mr. O'Mara would like to clean up 10 acres of land to establish a nursery/greenhouse and a residence. O'Mara has an agreement to purchase ten acres from David Sween. Kidwiler enforce that the ordinance strictly states 35 acres. He told them that there is the possibility of annexing into the city of Brookings. The board was worried that there would be a precedent set. Director Bob Hill said he had talked to landowners that would slice there land up and sell it in 10 acre plots as soon as this variance was passed. The board said there is 35 acres out there and that he should try finding that. Motion by Olson, seconded by Klavetter, to approve the request. In favor 0. Opposed 9. Motion denied.

Bob Hill gave the director's report. He commented on the events and happenings in the zoning office over the last month. He also distributed building permit reports to the commissioners.

Motion by Klavetter, seconded by Saathoff, to adjourn the meeting at 12:45 A.M. In favor 9. Opposed 0. Meeting adjourned.

Terri Bortnem  
Brookings County Zoning